

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985  
Chapters 384-End

AND AT THE

**FIRST SPECIAL SESSION**

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1985

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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§5-419. Accounts

(a) Every conservator must account to the court for his administration of the trust as specified by the court at the time of the initial order or at the time of a subsequent order or as provided by court rule and upon his resignation or removal. On termination of the protective person's minority or disability, a conservator may account to the court or he may account to the former protected person or his personal representative.

(b) Subject to appeal or vacation within the time permitted, an order, made upon notice and hearing, allowing an intermediate account of a conservator, adjudicates as to his liabilities concerning the matters considered in connection therewith; and an order, made upon notice and hearing, allowing a final account adjudicates as to all previously unsettled liabilities of the conservator to the protected person or his successors relating to the conservatorship. In connection with any account, the court may require a conservator to submit to a physical check of the estate in his control, to be made in any manner the court may specify.

(c) The court may appoint a visitor to review the conservator's accounts and determine if appropriate provision for the use, care and protection of the protected person's property has been made. The visitor shall report his findings to the court in writing.

Sec. 13. Effective date. This Act shall take effect January 1, 1986.

Effective January 1, 1986.

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## CHAPTER 441

H.P. 832 - L.D. 1176

AN ACT Relating to the Establishment of a  
Maine Children's Trust Fund.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSa §507-B, sub-§4, ¶B, as enacted by PL 1983, c. 176, Pt. A, §1, is amended to read:

B. Agencies continued as modified by an Act of the Legislature are:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) Board of Registration in Medicine;
- (4) State Board of Nursing;
- (5) State Board of Optometry;
- (6) Board of Osteopathic Examination and Registration;
- (7) Board of Commissioners of the Profession of Pharmacy;
- (8) Examiners of Podiatrists;
- (9) Governor's Committee on Employment of the Handicapped; and
- (10) Division of Community Services; and
- (11) Board of the Maine Children's Trust Fund.

Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(12-A) is enacted to read:

<u>(12-A)</u>	<u>Human Services:</u>	<u>Board of</u>	<u>Expenses</u>	<u>22 MRSA</u>
	<u>Child Protection</u>	<u>the Maine</u>	<u>Only</u>	<u>§4083</u>
		<u>Children's</u>		
		<u>Trust Fund</u>		

Sec. 3. 22 MRSA c. 1081 is enacted to read:

CHAPTER 1081

MAINE CHILDREN'S TRUST FUND

§4081. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Board. "Board" means the Board of the Maine Children's Trust Fund.

2. Eligible organization. "Eligible organization" means a nonprofit organization, local government or public school system.

3. Fund. "Fund" means the Maine Children's Trust Fund.

4. Prevention programs. "Prevention programs" means programs, plans or training associated with the prevention of child abuse, child neglect or mental illness or with other factors associated with the physical and emotional well-being of the youth of the State, including strategies to alleviate problems associated with behavior prohibited by law, but not adjudicated as a juvenile crime.

§4082. Maine Children's Trust Fund

1. Establishment. There is established the Maine Children's Trust Fund. It shall receive money deposited by the Treasurer of State pursuant to Title 36, section 5285.

2. Purpose. The purpose of the Maine Children's Trust Fund is to provide a mechanism for voluntary contributions by Maine taxpayers through an income tax checkoff for funding of programs designed to prevent abuse, neglect and mental illness among Maine children. This funding is intended primarily to support local prevention programs which do not duplicate other state-funded programs.

§4083. Board; establishment

1. Establishment. The Board of the Maine Children's Trust Fund is established pursuant to Title 5, section 12004, subsection 8.

2. Membership. The board shall consist of 9 public members appointed by the Governor. They shall be appointed for terms of 3 years, except of those first appointed, 3 shall be appointed for a term of 3 years, 3 shall be appointed for a term of 2 years and 3 shall be appointed for a term of one year. The public members shall, as far as practicable, be representative of the following groups: Parents; business and labor; the legal community; the religious community; and providers of child abuse and neglect prevention services. Vacancies shall be filled by the Governor for the remainder of the term vacated.

3. Officers. The Governor shall annually appoint one of the public members to serve as chairman

of the board. The board may elect, from among its members, other officers and committees as it deems appropriate.

4. Compensation. The members shall be compensated according to the provisions of Title 5, chapter 379.

5. Meetings. The board shall meet at least once annually and 5 members of the board shall constitute a quorum.

6. Advice and consultation. The Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Public Safety shall, upon request, provide the board with technical information and advice.

§4084. Duties

The board shall have the following powers and duties.

1. Plan. The board shall develop an annual, biennial state plan for the distribution of money in the fund and distribute money in accordance with that plan. In developing the plan, the board shall:

A. Review and evaluate existing prevention programs;

B. Assure that an equal opportunity exists for the establishment of prevention programs and receipt of fund money among all geographic areas in the State; and

C. Submit the plan to the Legislature annually.

2. Exchange of information. The board shall provide for the coordination and exchange of information on the establishment and maintenance of prevention programs.

3. Criteria for awarding grants. The board shall develop rules and publicize criteria for awarding grants to eligible organizations.

4. Grants. The board shall review applications for grants and shall approve applications which it considers best addresses the purposes of the fund.

5. Review. The board shall review, approve and monitor the expenditure of grants awarded pursuant to this chapter.

6. Education. The board shall provide statewide education and public information to develop public awareness concerning child abuse, neglect and mental illness.

7. Contracts. The board may enter into contracts with public or private agencies or accept any grants or gifts from any federal, state or private source to carry out this chapter.

8. Recommendations. The board shall make recommendations to the Governor and the Legislature concerning changes in state laws, rules, programs or policies which will reduce the problem of child abuse, neglect and mental illness and improve coordination among agencies that provide prevention services.

9. Rules. The board shall promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to carry out this chapter.

10. Staff. The board may employ, pursuant to the Personnel Law, an executive secretary and a clerical assistant as necessary full or part time.

§4085. Disbursement of fund money

1. Procedure. The board shall, by rule, establish a procedure and form for receipt of applications under this chapter. Upon approval of an application, the board may disburse fund money to eligible organizations for the development or operation of prevention programs under this chapter.

2. Limit on disbursements. The board may not expend the first \$100,000 of income to the fund each year. The board may expend one half of the amount of income each year which exceeds \$100,000, but which does not exceed \$500,000. The board may not expend the amount of income each year which exceeds \$500,000. For purposes of this section, income includes interest attributed to the fund pursuant to Title 36, section 5285. When the total amount of the fund reaches \$4,000,000, contributions to the fund shall cease, as provided in Title 36, section 5285, and the expenditures by the board shall be limited to the amount of interest credited annually to the fund.

§4086. Review



Beginning in 1987 and every odd numbered year thereafter, this chapter shall be reviewed by the joint standing committee of the Legislature having jurisdiction over human resources which shall report its findings together with any recommended legislation to the second regular session of the Legislature.

Sec. 4. 36 MRSa §5285 is enacted to read:

§5285. Maine Children's Trust Fund; checkoff

1. Maine Children's Trust Fund. Taxpayers who, when filing their returns, are entitled to a refund under this Part may designate a portion of that refund, to be paid into the Maine Children's Trust Fund established in Title 22, chapter 1081. Each individual in substantially the following form: "Contributions to Maine Children's Trust Fund: ( ) \$1, ( ) \$5, ( ) \$10 or ( ) Other \$ ."

2. Contributions credited to the Maine Children's Trust Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, he shall deduct the cost of administering the Maine Children's Trust Fund checkoff, but not exceeding \$2,000 annually, and report the remainder to the Treasurer of State, who shall credit that amount to the Maine Children's Trust Fund, which is established in Title 22, chapter 1081. Interest earned by contributions in the fund shall be credited to the fund.

3. Limitation on contributions. When the total amount of the fund reaches \$4,000,000, the State Tax Assessor shall stop crediting contributions to the fund and shall treat amounts designed by taxpayers as if there had been no designation.

Sec. 5. Allocation. The following funds are allocated from the Maine Children's Trust Fund to carry out the purposes of this Act.

1986-87

MAINE CHILDREN'S TRUST FUND

Positions	(2)
Personal Services	\$25,000
All Other	2,500
Capital Expenditures	1,000
Total	<u>\$28,500</u>

Provides funds to employ a part-time executive secretary and clerical assistant.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>FINANCE AND ADMINISTRATION,</u>		
<u>DEPARTMENT OF</u>		
Bureau of Taxation		
All Other	\$2,000	\$2,000

Effective September 19, 1985.

## CHAPTER 442

H.P. 1138 - L.D. 1644

AN ACT to Provide for Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings and the Allocation and Appropriation of Funds for Transportation Purposes.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §2930 is enacted to read:

§2930. Partial reimbursement of cost

Notwithstanding any other provision of law, the State, by or through the Department of Transportation, shall reimburse railroad corporations up to 50% of the cost, incurred by those corporations, of the maintenance of public at-grade railroad-highway crossings, crossing protection devices, including, automatic signals, gates and crossbucks and grade separation structures carrying the highway over the railroad.

For the purpose of this section, public at-grade crossings shall be those crossings determined by the Commissioner of Transportation to be public crossings.